



Commonwealth  
of Massachusetts

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**Advisory Opinion**

September 19, 1998  
AO-98-19

Senator Robert A. Antonioni  
State House – Room 109E  
Boston, MA 02133

Re: Travel expenditures

Dear Senator Antonioni:

This letter is in response to your August 26, 1998 request for an advisory opinion regarding the use of campaign funds to pay for travel expenses.

You have stated that as Senate chairman of the Joint Committee on Education, Arts and Humanities, you will be the co-leader of the Massachusetts Education, Arts and Humanities Leaders Delegation to the People's Republic of China scheduled for November 9-21, 1998. The program is sponsored by the People to People Ambassador Programs founded by President Eisenhower 35 years ago. A group consisting of legislators and education professionals from Massachusetts will be visiting Beijing, Xi'an, Guilin, Guangzhou and Hong Kong and meeting with representatives of the State Education Commission, the Beijing Institute of Education, and teachers and students of primary and middle schools and a university. In addition, meetings with the Association of Government Education Administrators and the Hong Kong Institute of Education are also scheduled. Spouses and guests who accompany the legislators are also invited to attend, and will be responsible for all of their own costs and expenses related to the trip.

You expect that the People to People group will pay at least 50% of your expenses related to the trip based on your participation in the program as co-leader of the group. You would like to know if you may use your political committee's funds to pay for the balance of your travel, lodging and meal expenses related to the trip.

In addition, you would like your education aide employed by your Senate office, Ms. Sylvia Smith, to participate in the program. She is responsible for assisting you in your role as chairman of the education committee and will support your discussions with Chinese education leaders. You would therefore like to know if funds may be expended by your political committee in the amount of \$3,000 to partially reimburse her for her travel, lodging and meals costs. Total program cost from Los Angeles is \$4,350 per person. Ms. Smith would personally pay for the costs of travel over and above the \$3,000 paid by the committee. I assume that the Commonwealth will not pay any portion of her travel, lodging and meal costs.

## Questions

- (1) May the committee pay your travel costs?
- (2) May the committee pay a portion of Ms. Smith's travel costs?

## Answers

Yes, for both questions.

## Discussion

The campaign finance law states that a political committee such as yours "may receive, pay and expend money or other things of value **for the enhancement of the political future of the candidate** . . . for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's **personal use** . . ." The statute specifies, however, that "the term 'personal use' shall not include expenses relating to the provision of **constituent or legislative services** or to the opening or maintaining of a legislative district office." M.G.L. c. 55, § 6 (emphasis added).<sup>1</sup>

In effect, the statute recognizes that the provision of constituent or legislative services enhances an incumbent's political future and, therefore, may be paid for by a political committee. See AO-93-22 and GL-97-13. See also 970 CMR 2.15 which governs the provision of legislative and constituent services.

Your political campaigns have emphasized your role in education reform and your leadership position on the Joint Committee on Education, Arts and Humanities. This trip in particular would provide you with an opportunity to expand your knowledge of educational approaches and to share information and strategies relating to education legislation. The trip is consistent, therefore, with the provision of legislative services to the Commonwealth as well as to your constituents. It follows that the trip is also consistent with the enhancement of your political future. Accordingly, your political committee may pay your reasonable travel expenses. See 970 CMR 2.06(3)(d).<sup>2</sup>

Because Ms. Smith, as a member of your staff, assists you in providing legislative services, your political committee may also reimburse the reasonable cost of her travel. See 970 CMR 2.06(3)(e). We understand that she will help you share information with others during the trip and develop new strategies for education legislation.

As with all expenditures, candidates and treasurers are responsible for maintaining detailed and accurate records reflecting the amount, date, and purpose of each expenditure made by the candidate

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<sup>1</sup> Section 6 was amended by Section 379 of Chapter 133 of the Acts of 1992, to specify that the term "personal use" does not include expenses "relating to the provision of constituent or legislative services." Previously, the office issued several advisory opinions that stated that prohibited "personal use" expenditures included "governmental" expenditures. Accordingly, the office stated that campaign funds could not be used to pay for travel if the primary purpose of the trip was official business and that campaign funds could not generally be used to pay for international travel expenses of candidates for statewide or other higher office. See AO-89-22, AO-92-08 and AO-92-10. These opinions are no longer applicable to the extent that they are inconsistent with section 6 as amended.

<sup>2</sup> To the extent any part of the trip is devoted to primarily personal activities, e.g., an optional sightseeing excursion, campaign funds may not be used for that purpose.

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and/or the committee in connection with travel, lodging, and other expenses. See M.G.L. c. 55, sections 2 and 5.

This opinion is issued solely within the context of the campaign finance law and is provided based on representations in your letter. Please contact this office if you have further questions.

Sincerely,

A handwritten signature in black ink, reading "Michael J. Sullivan" with a horizontal line extending to the right.

Michael J. Sullivan  
Director